GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Disciplinary action against Sri Mahaboob Sharif, H.C. 153, (f) Vijayawada City (Retd).who retired from service on superannuation on 30-04-2009 under Rule 9(2) (a) of A. P. Revised Pension Rules, 1980 –Penalty of 5% (five percent) cut in pension for a period of 1 (one) year duly treating the suspension period from 24-05-2004 to 15-06-2004 as "Not on duty" – Orders - Issued.

HOME (SERVICES.II) DEPARTMENT

G.O.RT.No. 57 Dated: 24-01-2020
Read the following:-

1. From the Director General of Police, Andhra Pradesh, Mangalagiri, Lr.Rc.No.232/T1/2015, dated. 16-04-2015.
2. Government Memo No.5023/Ser.II.A1/2016, dated: 25-04-2018.
3. From the Director General of Police, Andhra Pradesh, Mangalagiri, Lr.Rc.No.232/T1/2015, dated: 09-08-2018.
4. Government letter No.5023/Ser.II.A1/2016-2, dt:09-12-2019
5. From the Secretary, APPSC, Vijayawada, Lr.No.600/DC&C/ 2019, Dated: 30-12-2019.

@@@

ORDER:

The DGP, A.P., Hyderabad has stated that the Commissioner of Police, Vijayawada City vide his letter dt: 10-02-2015 has informed that Sri Mahaboob Sharif, H.C. 153, (f) Vijayawada City, now retired from service on superannuation on 30.4.2009 was handed up on a O.E. charge, while working at II Traffic P.S., Vijayawada City, vide C.No. 24(a)/PR/2004, dt. 14.6.2004, for the following delinquency:

> "For exhibiting grave misconduct and moral turpitude on 23.5.2004 at about 16.00 hrs in seizing Tata Indica Car bearing No. TNQ 5Q 5555 belonging to one Pokkali Balaji which was parked in No Parking zone, though he was not empowered to do so and in demanding bribe of Rs. 700/- through PC. 1775, G. Ramaiah, to release the car".

2. The ACP, Crimes, Vijayawada City, who was appointed as E.O. conducted the Oral Enquiry and held the charges against the charged officer as 'Not Proved', in Minutes dt. 31.1.2005, as there is no direct, corroborative evidence. The Commissioner of Police, Vijayawada City, having disagreed with the findings of the E.O., issued a Show Cause Notice (Dissent Note) to the Charged Officer with the reasons for disagreement vide Notice No.24(a)/PR/2004, dt.19.2.2005. The Charged Officer submitted his further representation denying the charges on 22.2.2005.

3. The C.P., Vijayawada City, duly following the procedure, imposed the punishment of `PPI for two years with cumulative effect on future increments and pension' on the Charged Officer, treating the suspension period from 24.5.2004 AN to 15.6.2004 AN as 'not on duty', vide Proceedings C.No. 24(a)/PR/2004, dated: 7.4.2005. His appeal and revision petitions were considered and rejected by the competent authorities.

4. Aggrieved with the above, the Charged Officer filed O.A. No.5018/07 and the Hon'ble APAT in its judgment dt. 18.3.2010 set aside the punishment as the respondents have not heard the applicants personally while disagreeing with the Enquiry report. The C.P., Vijayawada City filed W.P. No. 2323/2012 before the High Court of A.P., against the A.P.A.T. orders. The High Court in its orders dt. 25.06.2014, dismissed the Writ Petition relying on the observation of the Apex Court that the principles of natural justice demands personal hearing and held that in the factual ground of this case, personal hearing is necessary.

5. Accordingly, the punishment order issued in Proceedings C.No. 24(a)/PR/2004, dt. 7.4.2005, who retired from service on 30.4.2009, was set aside by the C.P., Vijayawada City vide his Proceedings C.No. 24(a)/PR/2004, dt. 24.10.2014. The retired Charged Officer appeared before the Disciplinary Authority on 03.11.2014 and submitted his further representation. Since the Charged Officer retired from service, the connected PR file was sent by the CP, Vijayawada City, for onward transmission to the Government for disposal under Rule 9 (2) (a) of Andhra Pradesh Revised Pension Rules, 1980.

6. Government, after examining the report of the Enquiry Officer accepted the Dissent Note issued by the Commissioner of Police, Vijayawada city and provisionally decided to impose penalty of 5% (five percent) cut in pension for a period of one year, duly treating the suspension period from 24-05-2004 AN to 15-06-2004 AN, as "Not on duty" against Sri Mahaboob Sharif, H.C. 153, (f) Vijayawada City, for the charges held proved against him under Rule 9 of A.P. Revised Pension Rules, 1980. Accordingly, a Show Cause Notice was issued to the charged officer vide reference 2nd cited and he has submitted his explanation vide reference 3rd cited.

7. Government have examined the same and decided to impose the penalty of 5% (five percent) cut in pension for a period of one year, duly treating the suspension period from 24-05-2004 AN to 15-06-2004 AN, as "Not on duty" against Sri Mahaboob Sharif, H.C. 153, (f) Vijayawada City.

8. In the reference 5th read above, the Secretary, Andhra Pradesh Public Service Commission informed that the Commission have agreed with the proposal of the Government to impose the penalty of 5% (five percent) cut in pension for a period of one year, duly treating the suspension period from 24-05-2004 AN to 15-06-2004 AN, as "Not on duty" against Sri Mahaboob Sharif, H.C. 153, (f) Vijayawada City (Retd).

9. Government after careful examination of the entire issue, hereby impose the penalty of 5% (five percent) cut in pension for a period of one year, duly treating the suspension period from 24-05-2004 AN to 15-06-2004 AN, as "Not on duty" against Sri Mahaboob Sharif, H.C. 153, (f) Vijayawada City, for the charges held proved against him under Rule 9 of A.P. Revised Pension Rules, 1980.

10. A copy of the reference 5th read above is communicated to the charged officer as per Rule 23 of APCS (CCA) Rules, 1991.

11. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly. The records received through the letter 1st read above are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MOHD. AHSAN REZA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director General of Police, Andhra Pradesh, Mangalagiri (we- Records in original)
The Secretary, A.P. Public Service Commission, Vijayawada
The Accountant General of Andhra Pradesh, Hyderabad.
The Director of Treasuries & Accounts, Ibrahimpatnam, Krishna District.
The Commissioner of Police, Vijayawada City.
The individual through the Director General of Police, Mangalagiri (we).
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER